APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/282,145	03/31/1999	GERD SCHOENWOLF	P98.2881	8232

26574   7590   11/23/2001

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EXAMINER
CORRIELUS, JEAN M

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 11/23/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary

Application No. **09/282,145**	Applicant(s) **Schoenwolf et al.**
Examiner **Jean M. Corrielus**	Art Unit **2172**

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___3___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _Sep 4, 2001_

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-13 and 16_ is/are pending in the applica

   4a) Of the above, claim(s) _____ is/are withdrawn from considera

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1, 2, 4-13, and 16_ is/are rejected.

7) ☒ Claim(s) _3_ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirem

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

   a)☐ All b) ☐ Some* c) ☐None of:

     1. ☐ Certified copies of the priority documents have been received.

     2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

     3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

DETAILED ACTION

1.   This office action is in response to the amendment filed on 09/04/01 (paper no.7) in which claims 1-4, 8-10, 12 and 16 were amended.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

3.   The information disclosure statement filed on June 14, 1999 and February 28, 2000 (paper no.3&4 respectively) complies with the provisions of M.E.P.. § 609. It has been placed in the application file. The information referred to therein has been considered as to the merits.

Priority

4.   Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 19819205.3, filed on 04/29/1998, which papers have been placed of record in the file.

Claim Rejections - 35 U.S.C. § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims

under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was

commonly owned at the time any inventions covered therein were made absent any evidence to the

contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and

invention dates of each claim that was not commonly owned at the time a later invention was made

in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35

U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6.   Claims 1-2, 4-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Johnson et al US Patent no.6,301,582.

As to claim 1, Johnson discloses "a database for storing persistent data" as a two level storage

system persistent data (col.2, lines 17-18); "a buffer into which is written all data to be permanently

stored" as a means for moving a copy of the persistent object data into a memory buffer (col.2, lines

20-23); "a permanent memory connected to the buffer, the permanent memory having at least two

storage areas in each of which all permanent data from the buffer is stored" as a means wherein the

TLS system for storing persistent objects using to storage file manager and a virtual memory (col.2, lines 2-10). However, Johnson does not explicitly disclose the use at least of a functions; characteristic of a terminal and card of the terminal.

Johnson, on the other hand, discloses a network card interface configures to communicate other computer systems and workstations to computer system (col.9, lines 1-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to implement Johnson' system, including a card of the terminal for having a complete configuration available and being selected for hardware implementation. The motivation being to allow user interaction with computer system.

As to claim 2, Johnson discloses the claimed "wherein the data base further comprises a control mechanism within a first application process for management of a first memory controls writing of the data to be persistently stored into the buffer, the data being generated or modified by the first application process alone or also by other application, processes running simultaneously with the first application" (col.7, lines 10-32).

As to claims 4-7, Johnson substantially discloses the invention as claimed, including the recited "wherein all of the persistent data stored in the buffer is alternately written into one of the storage units or storage areas of the permanent memory" as a means wherein all the persistent objects are stored in files on a disk, when a process is needed to access a persistent object, the process

contact the file manager which locates the persistent object and move a copy of the persistent object data into a memory buffer (col.2, lines 18-24).

As to claim 8, Johnson discloses the claimed "wherein only the persistent data, if necessary including reconstruction data, is transferred into the buffer from a first memory which contains a run-time program and associated permanent data" as a means wherein a persistent object is retrieved from backing store and a new runtime representation of the object is created, any internal pointers contained within the persistent object must be converted and rebuilt (col.2, lines 30-33).

As to claim 9, Johnson discloses the claimed "wherein the persistent data is stored in a space-saving manner as a data sequence in the buffer and in the permanent memory" as a means for allowing the object to survive the process that creates it so that other processes can access the object at any point in time (col.5, lines 1-4).

As to claims 10-12, Johnson substantially discloses the invention as claimed including the recited "permanent memory is provided for a start program and application software including database management software, with use of which configuration data to be written into the first memory is automatically reconstructed from the persistent data stored in the permanent memory" as a means wherein when an application processes is started, the data for the application is first move from its permanent storage file to the virtual memory system (col.6, lines 19-27).

As to claim 13, Johnson does not explicitly disclose a loadable Flash Erasable Programmable Read Only Memory chip. Official notice is taken that flash EPROM were notoriously well known in the computer arts at the time the invention was made. It would have been obvious to one having ordinary skill in the art at the time the invention was made to implement Johnson' system, including a loadable Flash Erasable Programmable Read Only Memory chip. This motivation would have been to allow Johnson's permanent memory to stay stable for long periods without electricity while still allowing reprogramming.

As to claim 16, Johnson discloses the claimed "wherein a number of configuration changes are only performed at a data management side and thereafter at least one of a functional and a hardware change comprising all configuration changes is performed in the terminal" as a means wherein Java compiler compiles programs written in Java which is platform independent commands that can be interpreted and run by JVM, which must be implemented for each platform on which the Java program must be run (col.7, lines 65-col.8, line 6).

Allowable Subject Matter

7.   Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2172:

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or early communication from the Examiner should directed to Jean M. Corrielus whose telephone number is (703)306-3035. The Examiner can normally be reached on Tuesday-Friday from 7:00am to 5:30pm.
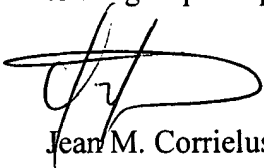
If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu, can be reached on Monday-Friday from 9:00 a.m.-6:00 p.m. at (703)305-4393.

Any response to this action should be mailed to: Commissioner of Patents and Trademarks Washington, D.C. 20231

or faxed to: (703) 746-7239, (for formal communications intended for entry)

Or: (703)3746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT") Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-9600.

Jean M. Corrielus

Patent Examiner

November 14, 2001